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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,678	06/27/2001	Edward Eric Thomas	50037.29US01	3961

7590 11/12/2003

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EXAMINER

AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 11/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,678

Applicant(s)

THOMAS ET AL.

Examiner

Sana Al-Hashemi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Status: 1- 17 are rejected

Applicant's arguments filed 11/3/03 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al (US Patent No. 6,553,409) in view of Rosenthal et al (US Patent No. 5,224,212).

1. Regarding Claims 1, 7, and 13, Zhang discloses a method for processing a notification having a tag value, comprising:

(a) receiving the notification (*for e.g. specify post-check and pre-check specify the state by cache manager Fig. 2, 66, column 2, lines 9-17*)(see column 5, lines 56-63, Zhang);

(b) determining a synchronization state (*the determination will be based on e.g. the age of the content this performed at column 5, lines 50- 55, Zhang*); and

regarding step (c) processing the notification based on the tagged value and the synchronization state, Zhang discloses the limitation subject matter (see column 7, lines 37-42, Zhang). To expedite prosecution examiner present Rosenthal teaches the method of used a tagged value to verify the processed data (see column 6, lines 23-30, Rosenthal). It would have been obvious to one of ordinary skill in the art at the time of the invention to add/ modify the Zhang system by adding the tagged value with the motivation of allowing the system to synchronize only the tagged value which saves time and space in cache and not repeating and synchronized data more than once.

2. Regarding Claims 2, 8, and 14, the combination of Zhang and Rosenthal discloses a method wherein determining a synchronization state, further comprises:

- (a) setting a synchronization currently in process state when a synchronization is in process (see column 6, lines 46-49, Zhang¹); otherwise
- (b) setting a synchronization currently not in process state (see column 6, lines 55-60, Zhang²).

3. Regarding Claims 3, 9, 15, the combination of Zhang and Rosenthal discloses a method wherein processing the notification based on the tagged value and synchronization state, further comprises determining when the synchronization state is set to a state of no synchronization currently in process, and when:

- (a) processing the notification when the tagged value is current with respect to the current synchronization checkpoint value (see column 6, lines 60-67, Zhang);

¹ Examiner interprets the step of validation as in process.

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(b) discarding the notification when the tagged value is stale with respect to the current synchronization checkpoint value (see column 7, lines 24-29, Zhang); and

(c) handling the notification when the tagged value is out-of-date with respect to a current synchronization checkpoint value (see column 7, lines 25-26, Zhang).

4. Regarding Claims 4, 10, and 16, the combination of Zhang and Rosenthal discloses a method wherein handling the notification when the tagged value is out-of-date with respect to the current synchronization value, further comprises determining if the tagged value corresponds to a lost request key, and if so processing the notification, otherwise discarding the notification (see column 7, lines 37-49, Zhang).

5. Regarding Claims 5, 11, and 17, the combination of Zhang and Rosenthal discloses a method wherein processing the notification based on the tagged value and the synchronization state, further comprises determining when the synchronization currently in process state is set, and when:

(a) queuing the notification when the tagged value is current with respect to the desired synchronization level (see column 8, lines 39-44, Zhang) ;

(b) discarding the notification when the tagged value is state with respect to the desired synchronization level or out-of-date with respect to the desired synchronization level and corresponds to the sync level of a lost sync request (see column 7, lines 24-29, Zhang); and

(c) handling the notification when the tagged value is out-of-date with respect to the desired synchronization level (see column 7, 25-26, Zhang) .

² Examiner interprets the “non-validate” as not in process.

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6. Regarding Claims 6, and 12, the combination of Zhang and Rosenthal discloses a method further comprising processing the notification when the synchronization currently not in process state is set (see column 6, lines 55-60, Zhang).

Response to Amendment

Applicant argues “Zhang does not teach “processing the notification based on the Tagged value and the synchronization state””.

Examiner disagrees. Referring to column 7, lines 37-42, Zhang discloses a processing the notification base don the state. And by referring to column 6, lines 23-30, Rosenthal teaches the method of using the tagged value to verify the data to be processed, and the combination of Zhang in view of Rosenthal will teach the claimed subject matter.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Other Prior Art Made of Record

1. Zhang et al. (US Patent No. 6,553,409) discloses background cache synchronization.
2. Yehia et al. (US Pub No. US2002/0091614) discloses a method and system for automatic contract reconciliation in a multilateral environment.
3. Ecklund (US Patent No. 4,853,843) discloses a system for merging virtual partition of a distributed database.
4. Chrabaszez (US Patent No. 6,134,673) discloses a method for clustering software applications.

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Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (703) 305-4881.

The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label

"PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
November 10, 2003


SAFET METJAHIC
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